

REAL ESTATE & FACILITIES FEDERAL ACQUISITION REGULATION SUPPLEMENT

PART 215—CONTRACTING BY NEGOTIATION

SECTION 215.001---DEFINITIONS

215.001(S-90) – RE&F FARS Definitions.

As used in this R&F FARS –

“Formal Source Selection” is the selection process to be used for negotiated acquisitions with an estimated value expected to exceed \$10 million, inclusive of options or for lower-dollar acquisitions when the advantages are expected to outweigh the administrative costs. Under formal source selection, a source selection evaluation board comprised of contracting, engineering, technical and other appropriate program personnel is established for proposal evaluation. The HCA is normally the Source Selection Authority (SSA).

“Informal Source Selection” is the selection process to be used for acquisitions not meeting the criteria for formal source selection. The Contracting Officer is the SSA. Normally a proposal evaluation team is not utilized under informal source selection; however, this does not preclude the use of such a team when deemed appropriate.

SUBPART 215.2—SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION

215.210—Forms.

(c) REFCO Form 22, Bidders/Offerors Mailing List, may be used to keep a historical log of the offerors requesting a copy of the solicitation, their business size, the dates on which the solicitation and amendment(s) were provided and whether or not they responded to the solicitation.

SUBPART 215.3—SOURCE SELECTION

215.306 Exchanges with offerors after receipt of proposals.

215.306-90 Competitive Range.

Legal counsel shall be obtained when making competitive range determinations. Offers shall not be eliminated from the competitive range without the consent of legal counsel.

215.308 Source selection decision.

215.308-90 Formal source selection.

(a) *Responsibilities.* The Source Selection Authority (SSA) shall establish the evaluation board and the functions to be represented, and designate a chairperson. The SSA will coordinate the appointments of the individual board

members with the affected office directors.

(b) *Source Selection Plan.* The source selection evaluation board shall develop the source selection plan.

(1) Technical, management, and price/cost factors shall be considered when developing evaluation factors. A rating system shall be devised to assess the key aspects of each offeror’s proposal. The Contracting Officer shall ensure that evaluation factors in the source selection plan are reflected in the solicitation. When past performance is an evaluation factor, REFCO Form 20, Past Performance Evaluation Sheet, shall be used to document past performance information obtained.

(2) *Source Selection Decision.* The source selection evaluation board shall prepare an evaluation report for the SSA. The report will summarize the strengths and weaknesses of all proposals, as well as their overall ratings. The report shall recommend a source and be forwarded to the selecting official for a final decision.

(3) *Safeguarding information.* The releasing authority for RE&F is the Contracting Officer. No member of the source selection board may release source selection information without the approval of the Contracting Officer.

215.308-90-1 Ethics briefing.

The WHS Office of General Counsel shall provide an ethics briefing to members of the source selection evaluation board during the board’s first meeting.

SUBPART 215.4—CONTRACT PRICING

215.402-90 Pricing Assistance.

The Policy & Contract Review Branch shall provide pricing assistance for preaward and post award contractual actions of \$500,000 and above unless a written waiver is signed by at level above the Contracting Officer. Pricing assistance is available for actions below \$500,000 as determined necessary by the Contracting Officer. Submit requests for pricing assistance on REFCO Form 23. The cost price analyst shall review the evaluation criteria in the solicitation prior to release for each action for which pricing assistance will be requested. A record of all pricing actions shall be kept by the cost price analyst on REFCO Form 24, Pricing Case Register. A copy of the PNM shall be provided to the price/cost analyst for any action for which pricing assistance has been provided.

REAL ESTATE & FACILITIES FAR SUPPLEMENT (RE&FFARS)

PART 215—CONTRACTING BY NEGOTIATION

215.403 Proposal Analysis.

215.404 -2 Information to support proposal analysis.

215.404-2(S-90) Tracking of contract audit reports.

The Policy and Contract Review Branch is the focal point for tracking all audits. A copy of every audit request and resultant audit shall be forwarded to the cost price analyst. The cost price analyst shall log all requests for audits, receipt of audits and disposition of audits on REFCO Form 21, Audit Report Tracking Chart.

215.406 Documentation.

215.406-1 (S-90) Prenegotiation Clearance Procedures.

(a) *Prenegotiation Briefing.* Prenegotiation objectives for actions valued up to \$500,000 shall be briefed to and approved by the Contracting Officer prior to negotiation. The Contracting Officer's signature on the pre-negotiation memorandum will document this approval.

(b) *Formal Prenegotiation Briefing.* For supply/service actions over \$500,000 and construction over \$1 Million, a formal briefing shall be conducted and the prenegotiation objective approved one level above the Contracting Officer. Signature on an "Approved By" line on the last page of the pre-negotiation memorandum will document this approval.

If unforeseen circumstances develop during negotiations that make it necessary to exceed the approved maximum objective, the post-negotiation memorandum must be fully documented with the rationale. If the formal prenegotiation briefing is waived, the waiver shall be approved and signed one level above the contracting officer. The waiver shall be documented on the last page of the prenegotiation memorandum with a statement that the formal briefing was waived and approval of the minimum and maximum negotiation objective was based on the information included in the documentation.

(b) Upon receipt of an unsolicited proposal, the competition advocate will conduct the initial review and provide appropriate notification to the offeror per FAR 15.606-1.

(c) If a comprehensive evaluation appears warranted, the competition advocate will establish a suspense date and coordinate the evaluation with the appropriate offices. Offices evaluating proposals shall comply with the data use restrictions of FAR 15.609. The competition advocate will review the evaluations and either return the unsolicited proposal to the offeror for the reasons in FAR 15.607(a), or provide the unsolicited proposal to the appropriate contracting office for negotiation per FAR 15.4.

SUBPART 215.6—UNSOLICITED PROPOSALS

215.606 Agency procedures.

215.606(S-90) RE&F procedures.

(a) The RE&F Contracting Office competition advocate (Deputy Director) shall be the RE&F contact point for coordinating the receipt, handling, and evaluation of unsolicited proposals. An unsolicited proposal received in a RE&F office shall be stamped with the date and time of receipt, and hand-carried to that individual.